

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET, 6TH FLOOR
NEWARK, NEW JERSEY
HUDSON ROOM**

**PUBLIC SESSION MINUTES
THURSDAY, JULY 21, 2005**

A meeting of the New Jersey Board of Chiropractic Examiners was held on July 21, 2005 at the State Office Building, 124 Halsey Street, 6th floor, Newark, New Jersey. The meeting was convened in accordance with the provisions of the Open Public Meetings Act with previous notification having been sent to the Secretary of State and the following publications: The Bergen Record, Newark Star Ledger, Camden Courier Post, Trenton Times and Asbury Park Press to advise of the scheduling of this meeting. The meeting was called to order by Joseph Murphy, Vice President of the Board at 10:00 AM

ATTENDANCE

PRESENT: Drs. Murphy, O'Connor, Rada, Kostinas, Atkisson, Calio, Senatore, Mr. Traier, Mr. Faulkner

EXCUSED: Drs. Stabile, Louro

ALSO PRESENT: DAG John Hugelmeyer, Acting Executive Director Joanne Boyer, Recording Secretary Shekenna Brown, Government Representative Venus Hall

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF JUNE 16, 2005

A MOTION WAS MADE BY DR. SENATORE WHICH WAS SECONDED BY DR. O'CONNOR TO ACCEPT THE PUBLIC SESSION MINUTES OF JUNE 16, 2005 AS AMENDED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

II. OLD BUSINESS

A. MICHAEL GARDINER, D.C.

The Board reviewed the assessment letter and final essay of the ProBE program attended by Dr. Gardiner April 29 - May 1, 2005. Dr. Gardiner was the subject of a Final Order of Discipline filed on August 13, 2004 which was also attached for review.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY MR. TRAIER TO HAVE DR. GARDINER APPEAR BEFORE THE FULL BOARD AT THE BOARD'S EARLIEST SCHEDULED CONVENIENCE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. FRED KINGSBURY, D.C.

(Dr. Rada was recused from this matter)

The Board reviewed the assessment letter and final essay of the ProBE program attended by Dr. Kingsbury April 29 - May 1, 2005. Dr. Kingsbury was the subject of a Consent Order filed on June 15, 2005 which was also attached for review. THE BOARD ACCEPTED THIS MATERIAL AS INFORMATIONAL.

C. I/M/O THOMAS LEE, D.C.

(DAG Nancy Costello Miller counseled the Board for this matter)

The Board reviewed and ratified an Interim Order in the above matter. Robert Conroy, Esq., counsel for Dr. Lee, has submitted a request for additional time to respond to the Provisional Order of Rescission of License which was filed on June 15, 2005.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY MR. TRAIER TO GO INTO EXECUTIVE SESSION TO DELIBERATE THIS MATTER. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

A MOTION WAS MADE BY MR. TRAIER WHICH WAS SECONDED BY DR. CALIO TO RETURN TO PUBLIC SESSION AND RATIFY THE INTERIM ORDER THAT WAS SIGNED BY DR. LOURO, BOARD PRESIDENT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

D. I/M/O NICHOLAS ROSANIA, D.C.

(Dr. Senatore was recused from this matter)

(DAG Nancy Costello counseled the Board for this matter)

Dr. Rosania was the subject of a Final Order of Discipline filed on June 19, 2003 which suspended his license for a period of five (5) years . The Board reviewed and considered a request from Patrick P. Toscano, Esq, requesting reconsideration regarding the length of the suspension.

THE BOARD CONSIDERED THE REQUEST SUBMITTED ON BEHALF OF DR. ROSANIA TO REDUCE THE SUSPENSION IMPOSED BY THE FINAL ORDER OF DISCIPLINE FILED ON JUNE 19, 2003. IT WAS DETERMINED THAT THE NEW INFORMATION PRESENTED TO THE BOARD WAS INSUFFICIENT TO CAUSE THE BOARD TO ALTER ITS PREVIOUS DECISION. A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. KOSTINAS TO RESPOND TO MR. TOSCANO THAT THE 5 YEAR SUSPENSION PERIOD IS AN APPROPRIATE SANCTION GIVEN THE SERIOUSNESS OF THE OFFENSES COMMITTED. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

III. NEW BUSINESS

A. COUNCIL ON CHIROPRACTIC EDUCATION/ COUNCIL ON ACCREDITATION ELECTION ANNOUNCEMENTS

The Council on Chiropractic Education is seeking nominations to fill four (4) positions on the CCE Board of Directors and three (3) positions on the Commission of Education. All nominations must be submitted by July 29, 2005.

THE BOARD ACCEPTED THIS MATERIAL AS INFORMATIONAL.

B. PROPOSALS TO THE CCE STANDARDS

The Council on Chiropractic Education has submitted an invitation for submissions of proposed revisions to the CCE Standards for Doctor of Chiropractic Programs and Requirements for Institutional Status. All submissions must be submitted by September 15, 2005.

THE BOARD ACCEPTED THIS MATERIAL AS INFORMATIONAL.

C. PALMER CHIROPRACTIC UNIVERSITY SYSTEM

The Board reviewed correspondence detailing recent accreditation activities occurring within the Palmer College of Chiropractic.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. ATKISSON TO

SCHEDULE ANOTHER FOLLOW-UP SITE INSPECTION VISIT TO PALMER BEFORE THE END OF THE YEAR SO THAT THE RECENT ACCREDITATION ACTIVITIES CAN BE APPROVED BY THE BOARD. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

D. ASSEMBLY BILL - 4266

Regulatory Analyst Devon Graf was present to discuss A4266 which allows certain chiropractors licensed in other states to be licensed in New Jersey. Comments to this bill must be submitted before July 27, 2005.

A MOTION WAS MADE BY DR. SENATORE WHICH WAS SECONDED BY DR. O'CONNOR TO INCLUDE A STRONG RECOMMENDATION FROM THE BOARD THAT A-4266 SHOULD BE AMENDED TO ENSURE THAT AN APPLICANT WHO HAS GRADUATED FROM AN ACCREDITED SCHOOL AND WHO HAS NOT TAKEN THE NATIONAL BOARDS PARTS I-IV, MUST BE REQUIRED TO TAKE A NJ EQUIVALENT EXAM. ALSO, THE BILL SHOULD BE AMENDED TO LIMIT THIS ALTERNATIVE LICENSURE PROCEDURE TO A PERIOD OF ONE YEAR AFTER THE BILL'S EFFECTIVE DATE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

E. JURISPRUDENCE EXAMINATION/NEW LICENSEE ORIENTATION

The Board reviewed and discussed the proposal and invoice of World Medical Leaders, the company awarded the bid for this project. The project is now in the final stages of development pending guidance from the Board.

DR. MURPHY PROPOSED THAT THE ORIGINAL COMMITTEE MEMBERS FOR THE JURISPRUDENCE EXAM/NEW LICENSEE ORIENTATION PROJECT CONTINUE THE WORK THAT WAS INITIALIZED IN THE FIRST STAGES OF THE PROJECT. THE BOARD DETERMINED THAT THE COMMITTEE SHOULD RESEARCH AND EXPLORE OTHER OPTIONS SUCH AS UTILIZING OUTSIDE TESTING SITES, POTENTIALLY SETTING UP COMPUTERS AT THE DIVISION, OR CONTACTING WORLD MEDICAL LEADERS ABOUT THE OPTION OF GIVING THE BOARD VARIATIONS OF THE EXAM ON HARD COPIES FOR BOARD OFFICE USE. THE BOARD DIRECTED THE EXECUTIVE DIRECTOR TO RESEARCH AND OBTAIN ADDITIONAL INFORMATION TO BRING BACK TO THE BOARD AT A FUTURE DATE FOR FURTHER GUIDANCE.

IV. GENERAL INQUIRIES

A. RIVERVIEW PROFESSIONAL SERVICES, INC.

Trish Colucci, RN, CCM submitted an inquiry for clarification on several issues pertaining to a multi-specialty practice's treatment and billing practices.

A MOTION WAS MADE BY DR. KOSTINAS WHICH WAS SECONDED BY DR. O'CONNOR TO ISSUE A RESPONSE TO MS. COLUCCI THAT THE BOARD BELIEVES THE RULES ARE CLEAR AND UNDERSTANDABLE ON THESE POINTS AND IT WOULD NOT BE APPROPRIATE FOR THE BOARD TO EXPAND, SUPPLEMENT, OR AMEND THE RULES IN A LETTER OF RESPONSE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. DOMENICK CONTE, D.C.

Dr. Conte inquired whether a chiropractor is allowed to perform intraoperative monitoring in a surgical setting.

A MOTION WAS MADE BY DR. CALIO WHICH WAS SECONDED BY DR. O'CONNOR TO HAVE DAG HUGELMEYER DRAFT A RESPONSE TO DR. CONTE'S INQUIRY IN WHICH HE WOULD BE REFERRED TO N.J.A.C. 13:44E-3.5 WHICH IDENTIFIES THAT ABSENT PROHIBITION BY REGULATIONS APPLICABLE TO THE SURGEON INVOLVED, A CHIROPRACTOR MAY PERFORM A

DIAGNOSTIC TEST FOR WHICH HE IS PROPERLY TRAINED AND CERTIFIED BY THE BOARD. PURSUANT TO N.J.A.C. 13:44E-3.2(a), THE TESTING MUST BE CLINICALLY SUPPORTED AND THE GUIDANCE TO THE SURGEON CANNOT OTHERWISE BE SUFFICIENTLY ASCERTAINED. COMPLETE DOCUMENTATION, AS REQUIRED FOR COMPLIANCE WITH N.J.A.C. 13:44E-3.4, INCLUDING BUT NOT LIMITED TO THE CLINICAL JUSTIFICATION FOR THE TESTING, ITS RELIABILITY, VALIDITY, PERFORMANCE TECHNIQUE, INTERPRETATION AND INTEGRATION INTO THE PLAN FOR THE SURGERY, MUST ALSO BE PRESENT. A VOTE WAS TAKEN TO AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. HARVEY ORENSTEIN, D.C.

Dr. Orenstein submitted information from the Food and Drug administration regarding a low lever laser system known as BIOFLEX and inquired whether or not this device is approved by the Board for use.

A MOTION WAS MADE BY DR. CALIO WHICH WAS SECONDED BY DR. O'CONNOR TO ADVISE DR. ORENSTEIN THAT THE USE OF THE LOW-LEVEL LASER IS PERMITTED AS LONG AS IT HAS BEEN FDA APPROVED, IS WITHIN A SPECIFIC REGION FOR WHICH IT HAS BEEN APPROVED WITH THE FOOD AND DRUG ADMINISTRATION, AND FALLS WITHIN THE SCOPE OF CHIROPRACTIC PRACTICE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR. DR. ORENSTEIN IS REFERRED TO PREVIOUS MINUTES.

D. CHRISTOPHER A. MARCHESE, D.C.

Dr. Marchese inquired whether it is within the scope of practice for a chiropractor to order a myelogram.

A MOTION WAS MADE BY DR. SENATORE WHICH WAS SECONDED BY DR. CALIO THE ORDERING OF A MYELOGRAM IS PERMITTED UNDER THE SCOPE OF CHIROPRACTIC PRACTICE AND UNDER THE DIRECTION OF A MEDICAL DOCTOR ITS UTILIZATION IS PERMITTED IF THE USE IS CLINICALLY JUSTIFIED AND MEDICALLY NECESSARY. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

E. JASON C. ROER, D.C.

Dr. Roer requested documentation from the Board in support of a TN NAFTA Work Visa applicant.

A MOTION WAS MADE BY DR. SENATORE WHICH WAS SECONDED BY DR. CALIO TO RESPOND TO DR. ROER THAT THE BOARD CANNOT MAKE A DETERMINATION IN THIS MATTER BECAUSE IT IS NOT UNDER THE JURISDICTION OF CHIROPRACTIC PRACTICE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

F. DANIEL L. ZIPKIN, D.C.

Dr. Zipkin is a licensed Chiropractor and Pharmacist in the State of NJ, however, he currently works in a hospital as a Pharmacist. His inquiry was regarding the use of the title "Dr" as part of his name. This inquiry was also discussed at the Board of Pharmacy's meeting on August 10, 2005.

A MOTION WAS MADE BY DR. KOSTINAS WHICH WAS SECONDED BY MR. TRAIER THAT IN THE INTEREST OF PUBLIC SAFETY, THE BOARD DIRECTS THAT DR. ZIPKIN IDENTIFY HIMSELF AS A DOCTOR ONLY IN THE PRACTICE OF CHIROPRACTIC AND NOT WHILE HE IS WORKING AS A PHARMACIST IN THE HOSPITAL. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

V. ENDORSEMENT APPLICANTS

A. DANIEL J. BRUNO, D.C.

Dr. Bruno is a 1996 graduate of Life Chiropractic College West. He has successfully completed Parts I - III of the National Boards and is licensed to practice chiropractic in the State of California. A review of CIN-BAD reveals no record of disciplinary action.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. KOSTINAS TO APPROVE DR. BRUNO'S APPLICATION FOR ENDORSEMENT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. CATERINA GIBSON, D.C.

Dr. Gibson is a 1992 graduate of New York Chiropractic College. She has successfully completed Parts I and II of the National Boards and is licensed to practice chiropractic in the State of New York. A review of CIN-BAD reveals no record of disciplinary action.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. KOSTINAS TO APPROVE DR. GIBSON'S APPLICATION FOR ENDORSEMENT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

C. JOSEPH I. LEZAMIZ, D.C.

Dr. Lezamiz is a 1990 graduate of New York Chiropractic College. He has successfully completed Parts I - III of the National Boards and is licensed to practice chiropractic in the State of New York. A review of CIN-BAD reveals no record of disciplinary action, however, he did answer affirmatively to the question regarding malpractice suits and has submitted background information for review.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. KOSTINAS TO APPROVE DR. LEZAMIZ'S APPLICATION FOR ENDORSEMENT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR

D. STEPHEN A. MATRANGOLO, D.C.

Dr. Matrangelo is a 1995 graduate of New York Chiropractic College. He has successfully completed Parts I - III of the National Boards and is licensed to practice chiropractic in the State of New York. A review of CIN-BAD reveals no record of disciplinary action.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. KOSTINAS TO APPROVE DR. MATRANGOLO'S APPLICATION FOR ENDORSEMENT. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VI. LICENSURE APPLICANT

DIANE S. OCKUN, D.C.

Dr. Ockun is a 1997 graduate of Life Chiropractic College. She has successfully completed Parts I - IV of the National Boards and is licensed to practice chiropractic in the State of New York. A review of CIN-BAD reveals no record of disciplinary action, however, she did answer affirmatively to the question regarding malpractice suits and has submitted background information for review.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. KOSTINAS TO ACCEPT DR. OCKUN FOR LICENSURE. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VII. ELECTRODIAGNOSTIC TESTS AND SPECIAL EXAMINATIONS PERMIT APPLICANTS

A. JUDD P. DAVIS, D.C.

Dr. Davis is seeking certification in Nerve Conduction Testing and has submitted a transcript from New York Chiropractic College detailing completion of 123 hours of Postgraduate and Continuing Education in Neuronal Conduction Studies.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. SENATORE TO ACCEPT THE APPLICATION OF DR. DAVIS FOR ELECTRODIAGNOSTIC TESTS AND SPECIAL EXAMINATIONS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

B. CHARLES G. NISIVOCCIA, D.C.

Dr. Nisivoccia is seeking certification in Nerve Conduction Testing and Somatosensory-evoked potentials. He has submitted transcripts from National University of Health Sciences detailing completion of 120 hours of Postgraduate and Continuing Education in Electrodiagnosis.

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY DR. SENATORE TO ACCEPT THE APPLICATION OF DR. NISIVOCCIA FOR ELECTRODIAGNOSTIC TESTS AND SPECIAL EXAMINATIONS. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.

VIII. MISCELLANEOUS ITEMS

FCLB MATTER

DR. O'CONNOR REMINDED THE BOARD THAT NEW JERSEY WILL BE HOSTING THE JOINT MEETING OF DISTRICTS III AND V IN JERSEY CITY ON SEPTEMBER 30, OCTOBER 1 AND 2, 2005. DR. O'CONNOR ENCOURAGES ALL BOARD MEMBERS WHO ARE AVAILABLE TO PLEASE ATTEND THE MEETING AND/OR WELCOME RECEPTION ON FRIDAY EVENING. ADJOURNMENT

A MOTION WAS MADE BY DR. O'CONNOR WHICH WAS SECONDED BY MR. TRAIER TO GO INTO EXECUTIVE SESSION TO CONSIDER PENDING INVESTIGATIONS. CONSUMER COMPLAINTS AND DISCIPLINARY MATTERS. THE PUBLIC SESSION MEETING WAS ADJOURNED AT 12:30 PM. A VOTE WAS TAKEN AND THE MOTION PASSED WITH ALL MEMBERS PRESENT VOTING IN FAVOR.